

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Tyrone G. Wade,

Plaintiff,

vs.

Cheryl Werre<sup>1</sup>, April Collins, D. Franke,  
Ms. Brezzle, Ms. Olds, June Smith,  
Warden M. Stephen,

Defendants.

C/A No. 6:19-cv-3576-JFA-KFM

**ORDER**

Plaintiff Tyrone G. Wade, (“Plaintiff”) a self-represented state prisoner, brings this action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for pretrial proceedings.

On March 9, 2020, Plaintiff’s second amended complaint was entered on the docket. (ECF No. 25). Thereafter, defendants Head Nurse Cheryl Werre (“Head Nurse Werre”), Nurse D. Franke (“Nurse Franke”), and Warden M. Stephan’s (“Warden Stephan”) (collectively “defendants”) then moved for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. (ECF No. 75). After reviewing the motion and response thereto, the Magistrate Judge assigned to this action<sup>2</sup> prepared a thorough Report and

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<sup>1</sup> The record shows that the defendant’s name is Cheryl Werre, rather than Cheryl Luerre. (ECF No. 75).

<sup>2</sup> The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976).

Recommendation (“Report”). (ECF No. 122). Within the Report, the Magistrate Judge opines that Head Nurse Werre, Nurse Franke, and Warden Stephan’s motion for summary judgment should be granted. The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Plaintiff was advised of his right to object to the Report, which was entered on the docket on November 13, 2020. *Id.* The Magistrate Judge required objections, if any, to be filed by November 30, 2020. *Id.* None of the parties submitted any objections and the time for doing so has expired. Thus, this matter is ripe for review.

A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge’s Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate’s Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

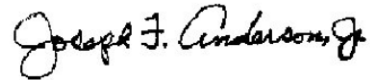
Here, each party has failed to raise any objections and therefore this Court is not required to give an explanation for adopting the recommendation. A review of the Report indicates that the Magistrate Judge correctly concluded that Defendants’ motion for summary judgment should be granted.

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge’s recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the

Magistrate Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 122). Consequently, Defendants' motion (ECF No. 75) is granted. Accordingly, Defendants Head Nurse Werre, Nurse Franke, and Warden Stephan are dismissed from this action with prejudice.

IT IS SO ORDERED.

December 10, 2020  
Columbia, South Carolina

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." The signature is written in a cursive, flowing style.

Joseph F. Anderson, Jr.  
United States District Judge